

Exhibit 13

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION**

**B.P., H.A., and S.H., individually, and on
behalf of all other similarly situated,**

Plaintiffs,

No: 2:23-cv-00071-TRM-JEM

v.

City Of Johnson City, Tennessee, et al.,

Defendants.

**DEFENDANT KARL TURNER'S RESPONSES TO PLAINTIFFS' SECOND SET OF
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

Defendant Karl Turner hereby appears, by and through counsel, and responds to Plaintiffs'

First Set of Interrogatories and Requests for Production of Documents pursuant to Rules 26, 33
and 34 of the Federal Rules of Civil Procedure.

GENERAL OBJECTIONS

Defendant Turner objects to the definitions and instructions and responds in accordance
with the Federal Rules of Civil Procedure 26, 33, and 34. Said instructions and definitions are
disregarded in their entirety. Words will have their ordinary meaning.

Defendant Turner specifically objects to interrogatories and requests for production of
documents seeking income and asset information, as these are not reasonably calculated to lead to
the discovery of relevant information with respect to the operative complaint (Docket Entry 21).
In addition, these requests are improper under Fed. R. Civ. P. 26. *Green v. Platinum Restaurants
MidAmerica, LLC*, 2021 WL 3928822, at *4 (W.D.Ky., 2021) ("Plaintiffs must first succeed on
the merits of their claims and receive a favorable judgment before this type of discovery becomes
relevant and appropriate"); citing *Corizon Health, Inc. v. CorrecTek, Inc.*, No. 5:17-CV-35-TBR-
LLK, 2017 WL 7693390, at *3 (W.D. Ky. Dec. 12, 2017)). *See F.T.C. v. Turner*, 609 F.2d 743, 745

(5th Cir. 1980) (Noting that a private Plaintiff may not discover an opponent's assets until after a judgment against the opponent has been rendered). *Advisory Committee's Note, 1970 Amendments*; and 8 *Wright, Miller and Marous, Federal See also, Fed. Rule Civ. P. 26(b)(2), Practice and Procedure & 2010 (2d.ed.1994)*. See also *Sanderson v. Winner*, 502 F.2d 477, 479-80 (10th Cir. 1974) *Cert Denied*, 421 U.S. 194 (1975). These requests are also impermissible insofar as they are intentionally calculated to harass, annoy, embarrass, and oppress Defendant Turner. Defendant Turner further asserts the doctrine of qualified immunity with respect to these and other discovery matters.

Without waiving any of the foregoing objections, and in a good faith effort to respond, Defendant Turner states as follows:

I. INTERROGATORIES

1. Identify all ASSETS valued over \$10,000 bought or sold by YOU since January 1, 2018, including the date of the purchase or sale and the amount paid in consideration.

RESPONSE: I purchased a car in 2019 or 2020. The purchase price was approximately \$35,000. I traded in a Toyota Rav 4 and financed the balance. I have since paid the balance that was due. This is the only purchase in an amount of \$10,000 or more I have made since January 1, 2018. A car for my wife was purchased on December 31, 2018, traded in a Subaru, financed a portion of the purchase and the amount due has been paid. A camper was purchased by my wife in 2023 for approximately \$15,000.00, but funds were taken out of our joint savings account.

2. Identify all title(s) YOU hold to property valued over \$10,000.

RESPONSE: See General Objections.

3. Identify all YOUR sources of income since January 1, 2018, including the annual amount of each source as reported on tax returns.

RESPONSE: My primary source of income prior to my retirement was my salary from the City of Johnson City. I do receive some interest income from a savings account/CD. When I retired in February, 2023 I received the retirement incentive amount, accumulated sick and vacation leave along with the start of retirement income from TCRS (Tennessee Consolidated Retirement System). I have recently been helping out a friend on weekends earning less than \$500.00 per month during March and April, 2024 and probably ending during May, 2024.

4. Identify all accounting firms used to prepare YOUR tax returns since January 1, 2018, including the name and address of each firm.

RESPONSE: None.

5. Identify all financial institutions where YOU have maintained accounts since January 1, 2018, including the name and address of each institution.

RESPONSE: See General Objections.

6. Identify all investigations relating to SEAN WILLIAMS in which YOU participated, including the nature of the investigation, YOUR role in the investigation, all persons YOU interviewed, all search warrants YOU executed, the date or dates YOU worked on the investigation, and the name of the victim (or Jane Doe/Female identifier) if applicable.

RESPONSE: As Chief of Police I did not conduct or perform criminal investigations. I did have discussions with officers about investigations, including discussions regarding the Williams investigation with SAUSA Dahl on December 8, 2020 and perhaps on other occasions) regarding (1) the possibility of obtaining an additional search warrant;

(2) credibility concerns related to a sexual assault victim; (3) the existing evidence obtained during a search in an active attempted homicide investigation of Williams; (4) the advantages of seeking an indictment of Williams for his unlawful possession of ammunition as well as other aspects of the Sean Williams investigation by the Criminal Investigation Division and Ms. Dahl's seeking an indictment. It is now known the discussion with SAUSA Dahl was secretly recorded. I did not interview any witnesses, create, review, seek or serve any search warrants as to the Williams investigation or any other investigation during my employment either as the Operations Major or Chief of Police. If I was available, I would at times sit in on an SIS or SWAT team briefing when the service of a search warrant was under review. On those occasions I could have read the search warrant. I did receive periodic updates on the Williams investigation as well as other criminal investigations.

7. For all investigations identified in interrogatory number 6, identify YOUR supervisor at the time of the investigation.

RESPONSE: *See response to Interrogatory No. 6.*

VERIFICATION

I, Karl Turner, a citizen of the United States and a resident of the State of Tennessee, verify under the penalty of perjury and the laws of the United States that the foregoing answers to Plaintiff's First Set of Interrogatories are true and accurate to the best of my knowledge.

Dated this 18th day of April, 2024.



KARL TURNER

II. DOCUMENT REQUESTS

1. All COMMUNICATIONS with Cathy Ball REGARDING SEAN WILLIAMS from January 1, 2018 to the present.

RESPONSE: Karl Turner retired in February, 2023. The documents requested are City documents. He does not have access to this information. Karl Turner did not have a personal cell phone prior to his retirement. Following his retirement, Karl Turner did not and has not communicated with Cathy Ball by any means except by cell phone or when present during depositions in the Dahl litigation when Cathy Ball was also present.

2. All COMMUNICATIONS with Cathy Ball REGARDING Kateri Dahl from January 1, 2018 to the present.

RESPONSE: *See Response to No. 1.*

3. All COMMUNICATIONS with Cathy Ball REGARDING this litigation from January 1, 2018 to the present.

RESPONSE: *See Response to No. 1.*

4. All COMMUNICATIONS with Steven Finney REGARDING SEAN WILLIAMS from January 1, 2018 to the present.

RESPONSE: Karl Turner retired in February, 2023. The documents requested are City documents. He does not have access to this information. Karl Turner did not have a personal cell phone prior to his retirement. To the best of his knowledge, he has had no communications with Steven Finney after his retirement.

5. All COMMUNICATIONS with Steven Finney REGARDING Kateri Dahl from January 1, 2018 to the present.

RESPONSE: *See Response to No. 4.*

6. All COMMUNICATIONS with Steven Finney REGARDING this litigation from January 1, 2018 to the present.

RESPONSE: See Response to No. 4.

7. All COMMUNICATIONS with Scott Jenkins REGARDING SEAN WILLIAMS from January 1, 2018 to the present.

RESPONSE: Karl Turner retired in February, 2023. The documents sought are City documents. He does not have access to this information. With the exception of a brief, in person encounter with Scott Jenkins and a couple of cell phone calls, to the best of his knowledge Karl Turner had no other communication with Scott Jenkins following his retirement.

8. All COMMUNICATIONS with Scott Jenkins REGARDING Kateri Dahl from January 1, 2018 to the present.

RESPONSE: See Response to No. 7.

9. All COMMUNICATIONS with Scott Jenkins REGARDING this litigation from January 1, 2018 to the present.

RESPONSE: See Response to No. 7.

10. All non-privileged COMMUNICATIONS with Sunny Sandos REGARDING SEAN WILLIAMS from January 1, 2018 to the present.

RESPONSE: Karl Turner retired in February, 2023. The documents sought are City documents. He does not have access to this information. Karl Turner attended Attorney Sandos' retirement party. He also made a couple of phone call to Ms. Sandos on an unknown date after his retirement from his personal cell phone and received a text from Ms. Sandos on January 31, 2024 that she was leaving her employment with the City. To the best of his

knowledge, Karl Turner has had no communication after his retirement with Ms. Sandos other than as indicated.

11. All non-privileged COMMUNICATIONS with Sunny Sandos REGARDING Kateri Dahl from January 1, 2018 to the present.

RESPONSE: See Response to No. 10.

12. All non-privileged COMMUNICATIONS with Sunny Sandos REGARDING this litigation from January 1, 2018 to the present.

RESPONSE: See Response to No. 10.

13. All non-privileged COMMUNICATIONS with Erik Herrin.

RESPONSE: Karl Turner is not in possession of any such documents.

14. All bank statements from January 1, 2018 to the present.

See General Objections.

15. All records of phone calls and text or SMS messages for the following dates:

- September 19, 2020 and the following 5 days
- May 6, 2021 and the following 5 days
- April 29, 2023 and the following 5 days
- October 17, 2023 and the following 5 days
- November 20, 2023 and the following 5 days
- December 7, 2023 and the following 5 days

RESPONSE: Objection. This Request is overly broad, unduly burdensome, and not reasonably limited in time, scope, and topic. Karl Turner did not have a personal cell phone until after he retired in February, 2023. Therefore, he does not have access to the requested information prior to February, 2023. With respect to personal cell phone records after he

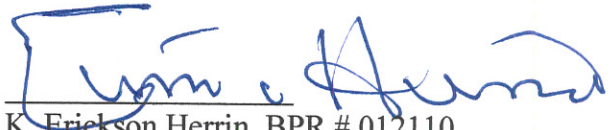
retired, and subject to the objections noted above, this request will be supplemented when the records are obtained and the parameters of the request narrowed by agreement or court order.

16. All records of phone calls and text or SMS messages exchanged with the following individuals:

- [REDACTED]
- SEAN WILLIAMS
- Cathy Ball
- Steve Finney
- [REDACTED]
- Bart Mikitowicz

RESPONSE: Objection. To the extent this Request seeks all records of communications with Cathy Ball or Steve Finney, the request is overly broad, unduly burdensome, and not reasonably limited in time, scope, and topic. With respect to Steve Finney, the information may contain or constitute protected communications concerning unrelated criminal matters with no relevance to or bearing on this case. Karl Turner did not have a personal cell phone until after he retired in February, 2023. Therefore, he does not have access to the requested information prior to February, 2023. With respect to personal cell phone records after he retired, this request will be supplemented when the records are obtained and the parameters of the request narrowed by agreement or court order, including the telephone numbers associated with the listed individuals.

Respectfully submitted,



K. Erickson Herrin, BPR # 012110

HERRIN, McPEAK & ASSOCIATES

515 East Unaka Avenue

P. O. Box 629

Johnson City, TN 37605-0629

Phone: (423) 929-7113

Email: lisa@hbm-lawfirm.com

s/Emily C. Taylor

Emily C. Taylor, BPR# 27157

WATSON, ROACH, BATSON &

LAUDERBACK, P.L.C

P.O. Box 131

Knoxville, TN 37901-0131

Phone: (865) 637-1700

Email: etaylor@watsonroach.com

*Attorneys to Defendants, Johnson City,
Tennessee, Karl Turner, in his individual and
official capacities and other named parties in
their official capacity*

CERTIFICATE OF SERVICE

I hereby certify that on April 19th, 2024, a copy of the foregoing

Defendant Karl Turner's Responses to Plaintiff's First Set of Interrogatories and Requests for Production of Documents were served upon counsel for the Plaintiffs and all other counsel by

electronic mail to:

Heather Moore Collins
Ashley Shoemaker Walter
HMC CIVIL RIGHTS LAW, PLLC
7000 Executive Center Drive, Suite 320
Brentwood, TN 37027
heather@hmccivilrights.com
caroline@hmccivilright.com
ashley@hmccivilrights.com

Counsel for Plaintiffs

Vanessa Baehr-Jones
ADVOCATES FOR SURVIVORS OF
ABUSE, PC
4200 Park Boulevard No. 413
Oakland, CA 94602
vanessa@advocatesforsurvivors.com

Counsel for Plaintiffs

Kevin Osborne
Elizabeth Kramer
ERICKSON KRAMER OSBORNE, LLP
44 Tehama Street
San Francisco, CA 94105
Kevin@eko.law
elizabeth@eko.law

Counsel for Plaintiffs

Kristin Ellis Berexa
Ben C. Allen
FARRAR BATES BEREXA
12 Cadillac Drive, Suite 480
Brentwood, TN 37027-5366
kberexa@fbb.law
ballen@fbb.law

Counsel for Toma Sparks in his individual capacity

Daniel H. Rader III
Daniel H. Rader IV
MOORE, RADER & YORK PC
46 N. Jefferson Avenue
P.O. Box 3347
Cookeville, TN 38502-3347
danrader@moorerader.com
danny@moorerader.com

Counsel for Kevin Peters in his individual capacity

Keith H. Grant
Laura Beth Rufolo
Philip Aaron Wells
ROBINSON, SMITH & WELLS, PLLC
Suite 700, Republic Centre
633 Chestnut Street
Chattanooga, TN 37450
kgrant@rswlaw.com
lrufolo@rswlaw.com
awells@rswlaw.com

Counsel for Justin Jenkins, in his individual capacity, Jeff Legault, in his individual capacity and Brady Higgins, in his individual capacity

s/K. Erickson Herrin

K. Erickson Herrin, BPR # 012110

HERRIN, McPEAK & ASSOCIATES